

In The United States District Court for the
Western District of New York
Buffalo Division

OTTO C. Reinhardt III

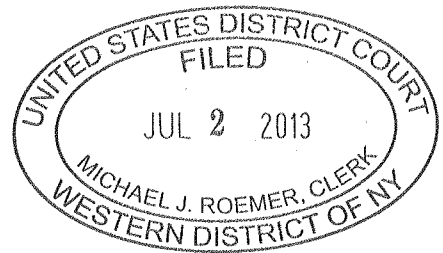
Plaintiff,

v.

- ERIE County Holding Center,
- West Seneca Police Department,
- ERIE County Sheriff Timothy Howard,
- Erie County Sheriff Deputy Jeffrey Hine,
- West Seneca P.D. Lieutenant Michael Bovey,
- West Seneca P.D. Officer Rodriguez,
- Under Sheriff MARK Wipperman,
- Superintendent Thomas Dina,
- Erie County Executive MARK Poloncarcz,
- 6 Unidentified E.C. Sheriffs Deputies.

13 CV 0698-M

Civil action No. _____



Plaintiffs Original Complaint

To the Honorable United States District Court Judge:

Plaintiff OTTO C. Reinhardt III, acting Pro-Se, Files this original Complaint against defendants ERIE County Holding Center, West Seneca Police Department, ERIE County Sheriff Timothy Howard, Erie County Sheriff Deputy Jeffrey Hine, West Seneca Police

023 p2
Complaint
U.S. DC N.Y.
Pro-Se

Lieutenant Michael Bowen,
West Seneca Police Department Officer Rodriguez,
Erie County Sheriffs Department Undersheriff MARK
Wipperman, Erie County Sheriffs Department Jail
Division Superintendent Thomas Dina, Erie County
New York Executive Mark Poloncarz, 6 Unidentified
Erie County Sheriffs Deputies.

Preliminary Statement

1.) This is an action for money damages brought pursuant to 42 USC 1983 and 1988 to redress the deprivation of Rights secured to the Plaintiff, OTTO C. Reinhardt III, by the 1st, 4th, 5th, 6th, 8th and 14th Amendments to The United States Constitution, and for violations of the New York State Governmental Tort Liability Act, and other statutory and Common law of the State of New York, by the defendants.

Statement of facts

2) Plaintiff avers that the individually named Officer Rodriguez of the West Seneca Police

made an unreasonable seizure of the plaintiff, subjected the plaintiff to cruel and unusual punishment, deprived plaintiff of right to council during questioning and unlawfully interrogated plaintiff without the due process of law. Further that Lieutenant Michael Bowen of the West Seneca Police Department did harass plaintiff, threaten plaintiff, and deny release granted by officer Rubrigny on Disorderly Conduct Charge. Lieutenant Bowen did further attack plaintiff by using excessive force into jail cell @ West Seneca Police department injuring plaintiff in the left back. The officers attempted to prevent plaintiff from seeking to Petition the State and Federal Government through civil litigation by falsely arresting, imprisoning and claiming plaintiff obstructed justice of government official, as well as claiming plaintiff was in need of psychiatric "Forensic evaluation."

statement of factsp4 on3
USWDC

3.) In addition, plaintiff avers that Erie County Sheriffs Deputy Jeffrey Hine came to plaintiff's jail cell, Echo long #25 and said, "Your mine!", "Your a christian?", "Well I'm SATAN", and did put on gloves and punched plaintiff through the cell bars in the chest, further stating, "I'm the Joker", and Kicked plaintiff in the left and Right arm repeatedly. Deputy Hine then told another officer to open my cell door and did come into my cell, and repeatedly punched plaintiff in the leg, stomach, and arms on the morning of October 7, 2012, at least 18 times.

4.) When asked by plaintiff for medical attention plaintiff was laughed at by multiple ~~the~~ unidentified Erie County Sheriffs Deputies. When granted access to medical office, was intimidated by officer Hine who spoke to another deputy outside plaintiff's cell stating "who is on

P5
- U.S. WDC.

duty in the nurses office today?" He is going on 3
to have to have a talk with them and we
need to know what he says to them." afterwards
Deputy Hine again came to cell and wanted
to know what I said to the nurse, and
further wanted to know if I showed the
multiple contusions, in a very intimidating
manner, and further pulled out a "hooked
knife" held it up to the plaintiff and
said "I'm the joker". "What did you say?"

5.) Plaintiff was further tortured when
moved to cell 27 of Eltho Long by
Unidentified Sergeant of Erie County
Sheriff's Department, along with 3 other
Deputies who took plaintiff to undisclosed
cell, made him kneel on ground, put
his head down, and did stand behind

Plaintiff, Threatening a rape situation. The deputies further harassed plaintiff by throwing cups of Urine on him and yelling "Now your wearing my piss," and further tortured plaintiff by demanding He remove his orange jumpsuit, throw it in the toilet, then remain nude in cell, soaked in Urine overnight and all the next day. The plaintiff was also put into a cell that the toilet was plugged, and had no accessible water, and was denied food, causing the plaintiff to fear for his life.

6.) Plaintiff also maintains that the individually named officers committed these violations and torts as a result of Policies, customs, and procedures of the County of Erie, N.Y.

OR3 p7 USDCW

- 7.) In addition, plaintiff avers that the officers named, assaulted, battered, humiliated, and tortured plaintiff, and that these same officers assisted one another in hiding the facts of the claims stated herein.
- 8) Plaintiff further claims that the County Executive, Erie County Sheriff and administration of the Erie County Holding Center are in violation of the agreement with the department of Justice to protect prisoners from life threatening conditions at Erie County, New York facilities, when the department of Justice filed in federal court, the western district of New York, alleging that conditions at the facilities routinely deprive prisoners of Constitutional rights, failing to protect prisoners from harm through inadequate medical and mental health care in 2009-2010.

OCR 3 USDCW

- 9.) The plaintiff further claims he was denied^{P 8} access to medical staff for screening and assessment of comprehensive mental health care, as provided by qualified professionals and denied medication for unremittant grief, in a timely manner, causing mental and emotional anguish.
- 10.)

Plaintiff further avers that named officers subjected plaintiff to mental anguish and emotional distress, and maliciously prosecuted plaintiff by virtue of submitting false documents to the West Seneca Police Department and Court, and failing to disclose the entirety of the facts as reflected herein to the representative of the office of the District Attorney for Erie County N.Y.

- 11.) This is an action to redress the deprivation of rights secured to the plaintiff by the first, fourth, fifth, sixth, ^{on 3} 8th Eighth and fourteenth Amendments to the United States Constitution, and for violations of New York

CR3 p9

USDC way

Statutes and Common law. (Enforceable through
42 U.S.C. § 1983)

- 12.) Venue is proper in this Court as
all acts have taken place within Erie County,
New York where the plaintiff resides and works.
- ~~13.)~~ a) Plaintiff is a resident of Erie County N.Y.
- ~~14.)~~ b) To the best of the plaintiffs knowledge,
and belief, the individually named officers
of the town of West Seneca, and Erie County,
at the time of the events stated in this
complaint, are residents of Erie County N.Y.
- c) To the best of the plaintiffs knowledge, and
belief, the unknown and unidentified officers
of West Seneca, and Erie County are residents
of Erie County N.Y.
- d). Erie County is a political subdivision
of the State of New York.

OR3 VSDC way
P10

The Parties

- 13.) At all times relevant to this cause of action, Plaintiff was a citizen of the United States in custody of Erie County Government and the West Seneca Police Department. In addition, Plaintiff was a "patient" of the Erie County Holding Center mental Health Unit.
- 14.) at all times relevant to the cause of action the County of Erie is a political subdivision of the State of New York under the direction of Erie County Executive Mark Poloncarz, organized and existing under the laws of the State of New York.
- a) The Town of West Seneca finances its law enforcement department and provides rules and regulations for the operation of the department.

b) ~~15.)~~ The County of Erie N.Y. finances ^{ONLY USDC may P11} its law enforcement department and provides Rules and regulations for the operation of the department of Erie County Sheriff's Dept, Sheriff Tim Hurand, The Erie County Holding Center, E.C.S.D. Jeffrey Hine, E.C.S.D. Undersheriff Mark Wiperman, E.C.S.D. Superintendent Thomas Dina, and all unidentified E.C.S.D. Deputies.

~~15.)~~ c) The County provides oversight of the hiring, training, discipline and retention of all personnel in its law enforcement department

15.) Specifically, and at all times relevant to the cause of this action, the County is responsible for the creation and maintenance of its Sheriff's department, which is the law enforcing agency under the New York State Law and regulated by the laws of the State of New York as to:

p12
ON 3 JSDC my

- A) The training and certification of its law enforcement employees;
- b). The safe confinement and treatment of prisoners placed within the custody of its individual officers and agents;
- c) To create rules and regulations to properly identify officers who have a pattern that recurs itself of misconduct that would place its supervisory personnel on notice and the town of West Seneca on notice, and the County of Erie on notice of officers who are a threat to citizens within its jurisdiction.
- d) to not hire, retain, re-hire, or promote police officers who have recurring misconduct complaints.
- e) At all times relevant to the action the individually and unidentified officers were employed by the West Seneca Police Department,

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and the Erie County Sheriff's Department in
the State of New York, and acted under
the color of law, statute, ordinance,
regulation, custom, or usage. In addition;

a) at all times relevant to this cause of action the individually named officers, and the unidentified officers of the County of Erie acted in their official capacities as agents, servants, employees as defined under New York State Code for the town of West Seneca, and the County of Erie, New York. Plaintiff sues these defendants in their official and individual capacities.

b.) Erie County Executive Mark Poloncarz oversees all departments of the County of Erie N.Y. Government.

c.) Erie County Sheriff Timothy Howard oversees all departments of the Erie County Holding Center and Sheriff's Department; including all staff.

p 14

OR3 USDCHNY

Factual Basis of Complaint

- 16.) a) On Oct 5, 2012 @ 10:00pm, plaintiff was detained by West Seneca Police officer Rodriguez after plaintiff's car broke down in front of 74 Warren Avenue in West Seneca N.Y.
- b) Plaintiff had called AAA Western N.Y. and a flat bed tow truck came to assist plaintiff with broken down vehicle. Officer said AAA truck was blocking traffic... (there was none).
- c.) West Seneca police took plaintiff's vehicle & damage and destroyed in impound. so it could not be used again. The car, A 1999 Mercedes Benz C-230 had to be junked/donated as a result of West Seneca Police impounding/destruction.
- 17.) On Oct 5, 2012 @ 11:30pm plaintiff was told he was "free to go" by officer Rodriguez

P 15 of 23
USDC my

and told, "it's nothing, just a violation!"

18.) Plaintiff was then grabbed by officer Rodriguez, Re-Handcuffed to the wall and told, "but before you go, I have to have you see my Lieutenant."

19.) Lieutenant Michael Bowen, arrived to plaintiff where he was handcuffed to the wall and said "One more word out of you and you are going in a cell," plaintiff said, "for what, I was just told I was free to go" and Lt. Bowen ~~said~~ yelled "That's it," your going into a cell and grabbed and pushed plaintiff. Upon entering cell he did again push plaintiff forcefully into the back of the cell insuring plaintiff against the sink/toilet, then denying medical care.

- 20) The Lieutenant yelled as he left, "That's it, you're getting another charge." This was all while Plaintiff was on his way to his son's football game.
- 21.) The next morning Plaintiff was taken before Judge Dale J. McCabe, who told Plaintiff this was a mental Health issue and placed a \$100 bail. Plaintiff requested to pay the bail, but was denied.
- 22.) after being taken to Erie County Holding Center Plaintiff was unable to sleep due to fearing for his life.
- 23.) Without warning, Plaintiff was harassed, assaulted, threatened with sexual assault, intimidated, doused with Urine, had clothing taken away, and placed in a cell that was unclean, had a broken toilet and sink.

on 3 USDC way
p17

- 24.) Defendant Jeffery Hine is a very large man, while plaintiff is much smaller.
- 25.) Hine did punch, kick and threaten plaintiff with a hooked knife.
- 26.) Plaintiff tried to defend himself, but Deputy Hine was able to punch, and kick plaintiff hard.
- 27.) Within seconds of the beating by Deputy Hine, Plaintiff laid on the floor in overwhelming pain in his arms, legs, and stomach, requesting help from other guards.
no one came.
- 28.) Plaintiff was denied access to medical care for internal injuries.
- 29.) Hine was directly and proximately responsible for the multiple contusions and bruises on Plaintiff's arms, legs, torso.

P 18 USD Army

- 30.) Deputy Hine hit plaintiff with closed fists and kicked plaintiff with his boots on at least 18 times.
- 31.) Deputy Hine struck plaintiff with fists and boots at least 18 times, which constitutes deadly force.
- 32.) all during the beating, plaintiff said to Hine "Stop it,"
- 33.) Officer's later came to Echo long cell #25 and took plaintiff out, harassed him, attempted to put curses on him saying, "Chris, put curses on him." Threw cups of urine on him, took his clothes/jumpsuit away, underwear, socks, sneakers and left him nude in cell. One of the officers had chevrons of a Sergeant. He gave the orders to the others.

P19 VSDC
023

34.) The "Sargent" did nothing to preserve the scene, or protect the plaintiff.

a) plaintiff filed complaint with the Professional Standards Division, officer they took the complaint where the unidentified Deputies were named. At the date of this complaint plaintiff cannot remember the deputies or Sargents names.

b.) The knife pulled out by Deputy Hine was never mentioned, nor placed into evidence storage.

c.) The gloves used by Deputy Hine were never mentioned, nor placed into evidence storage.

p 20 USDanny
on 3

35.) while waiting for medical attention Plaintiff was mocked, jeered at, laughed at and talked about while left nude, deprived of shower, doused in urine, and not given food or water and had a non-functioning toilet. When Plaintiff verbally confronted Deputy Hine about the assault he said "It never happened," and "I don't know what you talking about."

36.) Days later Deputy Hine came to the Plaintiff's cell and said "Let me see those bruises."

37.) West Seneen Town Court police were told of the beating and shown the bruises when Plaintiff was taken back to court... and did nothing.

P21 USDENNY

ON3

- 38.) At no time did Plaintiff receive or was given "Miranda" warnings or allow him the opportunity to obtain counsel.
- 39.) Erie County holding Center Staff, West Seneca Town Court staff failed to report the injuries and their understanding of the mechanism of the injuries to the Erie County Sheriff, West Seneca Police Chief, even though they had a mandatory duty to report to Law Enforcement injuries resulting from Criminal activity pursuant to N.Y.S. Penal Law.
- 40.) While still in Custody, Plaintiff was guarded by officer Hine and other unidentified officers from @ Oct 7, -16th. Intimidating Plaintiff and causing him to fear for his Life.

P22 USDCny
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41.) At no time did West Seneca Police Dept., Erie County Holding Center Staff, Erie County Sheriff's Deputy or anyone from the County take any steps to remove, Hire, and other unidentified in this complaint Deputies from plaintiff while plaintiff was housed at the holding Center @ 40 Delaware Avenue Buffalo, New York.

42) Plaintiff was not allowed out of his cell, for the whole time kept at Erie County holding Center, except for brief showers, and brief walks in the Echo long block, and 2 or 3 Recreation periods, 24 Hours/day.

43.) Plaintiff was further scared and feared for his life, when inmate next to him was taken by same officers, (^{Dep.} Mucke) and raped by them in an area with no cameras. The inmate yelled "Help me, somebody help me," over and over. While the guards laughed and yelled racial slurs at him.

44.) Erie County Holding Center has a duty to care and ensure plaintiff was not harmed by anyone while in its care;

a) Erie County, the Sheriff's Department, the Jail division and mental Health Unit all breached the duty to protect plaintiff when it took no action to remove or replace the officers who inflicted the injuries on plaintiff.

on 3 p24 USDCny

45) Plaintiff further psychological abuse when after taken by Erie County Sheriff's Deputies to West Seneca Town Court on @ 10/13/2012, he was taken with @ 15 other prisoners to the Alden Facility, told to sit against a wall while all other prisoners were walked in against an opposite wall facing plaintiff across an intake room, when Unidentified E.C.S. Deputy said, "I told all of you there was no talking on the way here, 4 of you are gonna take a hit for it, which 4 of you?" Numerous Inmates raised their hands. Plaintiff was taken alone by Deputies back to Erie County Holding Center, continuing to fear for his life.


Remedy
46) Plaintiff asks for Remedy in the amount of \$1,600,000.00 in Compensatory and punitive damages from defendants

Affidavit

or 3 p25
USDC way

I swear by penalty of perjury that
the account written is true and
factual. I further allege that
the incidents described ^{MAY be} ^{or 3} is an attempt
by "organized crime" to discredit
the plaintiff and ^{MAY HAVE} ^{or 3} has political motives.

So Help me God,


July 2, 2013

Sworn to me on this
2nd day of July 2013
before me came Otto C. Reinhardt III.

Kathryn Bane

Exhibit A/1

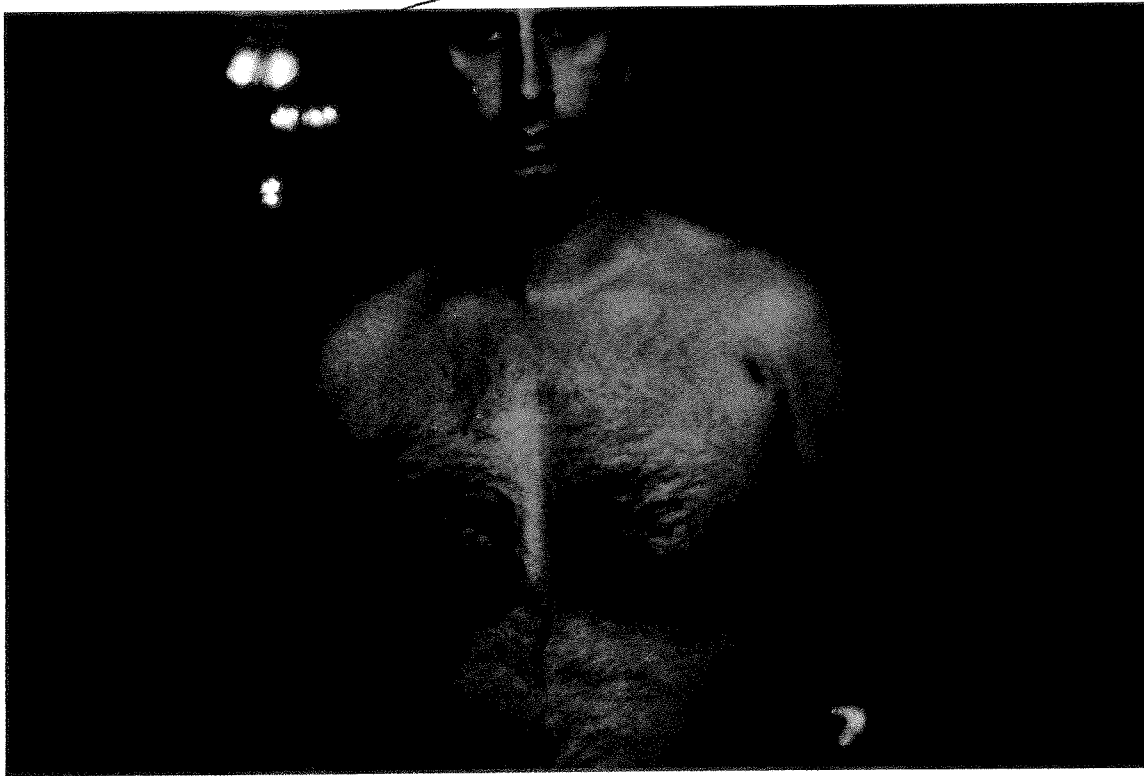


Exhibit A/2

